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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KAITLYN CUMBIE, an individual,

Plaintiff,

v.

MARK TIBBLES, an individual; MARK TIBBLES
ENTERPRISES, LLC, a California limited liability
company; TIBBLES PROPERTY SOLUTIONS,
LLC, a California limited liability company; and
DOES 1 through 10, inclusive,

Defendants.

Case No. 2:21-cv-01090-JAM-AC

**NOTICE OF MOTION AND RENEWED
MOTION FOR DEFAULT JUDGMENT
AGAINST DEFENDANT MARK
TIBBLES**

[FRCP 55(b)(2)]

Date: December 7, 2022

Time: 10:00 a.m.

Courtroom: 26

Action Filed: June 18, 2021

Trial Date: None

TO DEFENDANT MARK TIBBLES:

PLEASE TAKE NOTICE THAT on December 7, 2022 at 10:00 a.m. in Courtroom 26, 8th Floor, Robert T. Matsui United States Courthouse, 501 I Street, Sacramento, California 95814, before the Honorable Allison Claire, Plaintiff Kaitlyn Cumbie (“Plaintiff”) will move for entry of a default judgment against Defendant Mark Tibble (“Defendant”) pursuant to Fed. R. Civ. P. 55(b)(2) on the grounds that Defendant has failed to plead or otherwise defend in response to the Plaintiff’s complaint.

1 The Clerk entered default against Defendant on August 29, 2022 [Docket No. 19], because Defendant
2 has again failed to file any responsive pleading, after the previously entered default against Defendant
3 was set aside by the Court on July 15, 2022 [Docket No. 15]. Plaintiff respectfully requests entry of
4 default judgment against Defendant in the amount of \$95,329.44 for her compensatory damages
5 including prejudgment interest, and \$592.00 for her costs.

6 This Motion is based upon and incorporates herein by reference, the previously filed
7 Memorandum of Points and Authorities in Support of Motion for Default Judgment filed by Plaintiff
8 [Docket No. 11-1], the Declaration of Kaitlyn Cumbie in Support of Motion for Default Judgment
9 [Docket No. 11-2], and the Declaration of Galen M. Gentry in Support of Motion for Default Judgment
10 [Docket No. 11-3]. In addition, this Motion is supported by the Court's records in this action and any
11 other matters of which the Court may take judicial notice, as well as such argument as may be heard by
12 the Court.

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14 Dated: October 26, 2022

HUGHEY PHILLIPS, LLP

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16 /s/ Galen M. Gentry
17 Galen M. Gentry
18 Attorney for Plaintiff
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